

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Charles Green, #200072,)	C/A No.: 3:10-3162-JFA-JRM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Richland County Sheriff's Dept;)	
Sheriff Leon Lott; Deputy Sheriff Tom Hodges,)	
)	
Defendants.)	
)	
_____)	

The *pro se* plaintiff, Charles Green, brings this action pursuant to 42 U.S.C. § 1983 claiming violations of his constitutional rights by the defendants. Specifically, the plaintiff contends that the defendants used excessive force on him during an arrest. He appears to seek money damages.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss defendant Richland County Sheriff's Department because it is not a "person" subject to suit in a § 1983 civil rights action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation which was filed on February 24, 2011. Plaintiff did not file objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

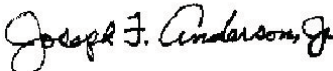
As the Magistrate Judge notes that only “persons” may act under color of state law, therefore, a defendant in a § 1983 action must qualify as a “person.” The Magistrate Judge correctly suggests that defendant Richland County Sheriff’s Department should be summarily dismissed from this action.

After a careful review of the record, the applicable law, the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper and incorporates the Report herein by reference. Accordingly, defendant Richland County Sheriff’s Department is summarily dismissed from this action.

The Clerk shall return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

March 21, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge